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**Non Final Office Action**

Claims 1-10 are pending. Amendments are entered. Finality of rejection is withdrawn.

**Summary of this Office Action**

1. 35 USC § 102(b) Rejections
2. Response to Remarks
3. Communication

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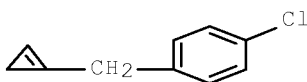
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**Elected species**

**RN 454251-27-5 ZCAPLUS**

**CN Benzene, 1-chloro-4-(1-cyclopropen-1-ylmethyl)- (CA INDEX NAME)**



**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by the following:

1)

L66 ANSWER 56 OF 56 ZCAPLUS COPYRIGHT 2010 ACS on STN

ACCESSION NUMBER: 1920:9010 ZCAPLUS [Full-text](#)

DOCUMENT NUMBER: 14:9010

ORIGINAL REFERENCE NO.: 14:1680e-i,1681a-g

TITLE: Comparison of the activity of certain unsaturated  
groups with the activity of the allyl group in certain  
ethers

AUTHOR(S): Powell, S. G.; Adams, Roger

SOURCE: Journal of the American Chemical Society (1920), 42,

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CODEN: JACSAT; ISSN: 0002-7863

DOCUMENT TYPE: Journal

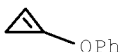
LANGUAGE: Unavailable

IT 1086231-63-1P

RL: SPN (Synthetic preparation); PRP (Properties); PREP (Preparation)  
(Comparison of the activity of certain unsaturated groups with the  
activity of the allyl group in certain ethers)

RN 1086231-63-1 ZCAPLUS

CN Benzene, (1-cyclopropen-1-yloxy)- (CA INDEX NAME)



This compound is anticipated when in present claim R1 represents (L)<sub>n</sub>-Z, when n = 1, L represents D2 and is the 1st structure in the definition of D2 where X and Y are -(L)<sub>m</sub>-Z, m is 0, and Z represents G which is unsubstituted, unsaturated monocyclic ring.

2)

ACCESSION NUMBER: 2008:1383608 ZCAPLUS Full-text

DOCUMENT NUMBER: 149:555111

TITLE: The intramolecular Diels-Alder reaction

AUTHOR(S): Ciganek, Engelbert

CORPORATE SOURCE: E. I. du Pont de Nemours and Co., Wilmington, DE, USA

SOURCE: Organic Reactions (Hoboken, NJ, United States) (1984),  
32, No pp. given

CODEN: ORHNBA

URL: <http://www3.interscience.wiley.com/cgi-bin/mrwhome/107610747/HOME>

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PUBLISHER: John Wiley & Sons, Inc.

DOCUMENT TYPE: Journal; General Review; (online computer file)

LANGUAGE: English

OTHER SOURCE(S): CASREACT 149:555111

AB A review of the article The intramol. Diels- Alder reaction.

IT 1071160-00-3

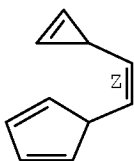
RL: RCT (Reactant); RACT (Reactant or reagent)

(The Intramol. Diels-Alder Reaction)

RN 1071160-00-3 ZCAPLUS

CN 1,3-Cyclopentadiene, 5-[(1Z)-2-(2-cyclopropen-1-yl)ethenyl]- (CA INDEX NAME)

Double bond geometry as shown



This compound is anticipated when in present claims R1 represents (L)<sub>n</sub>-Z, n= 1, Z = D1 and is the second last structure in the definition of D1 where X and Y are - (L)<sub>m</sub>-Z, m is 0, and Z represents G which is unsubstituted, unsaturated monocyclic 5-membered ring.

3)

ACCESSION NUMBER: 1977:16556 ZCAPLUS Full-text

DOCUMENT NUMBER: 86:16556

ORIGINAL REFERENCE NO.: 86:2693a,2696a

TITLE: 3-Piperidinemethanols

INVENTOR(S): Albertson, Noel F.; Michne, William F.

PATENT ASSIGNEE(S): Sterling Drug Inc., USA

SOURCE: U.S., 21 pp. Division of U.S. 3,898,235.

CODEN: USXXAM

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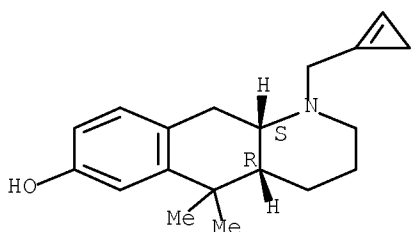
DOCUMENT TYPE: Patent  
LANGUAGE: English  
IT 61293-00-3P

RL: SPN (Synthetic preparation); PREP (Preparation)  
(preparation of)

RN 61293-00-3 ZCAPLUS

CN Benzo[g]quinolin-7-ol, 1-(1-cyclopropen-1-ylmethyl)-1,2,3,4,4a,5,10,10a-octahydro-5,5-dimethyl-, cis- (9CI) (CA INDEX NAME)

Relative stereochemistry.



This compound is anticipated when in present claims R1 represents (L)<sub>n</sub>-Z, when n = 1, L represents D1 and is the 1st structure in the definition of D1 where X and Y are -(L)<sub>m</sub>-Z and m is 0, and Z represents G which is substituted, unsaturated polycyclic heterocyclic ring.

4)

ACCESSION NUMBER: 1968:487327 ZCAPLUS [Full-text](#)

DOCUMENT NUMBER: 69:87327

ORIGINAL REFERENCE NO.: 69:16351a,16354a

TITLE: Halogenated cyclopropyl and cyclopropenyl estratrienes

INVENTOR(S): Edwards, John A.; Knox, Lawrence H.

PATENT ASSIGNEE(S): Syntex Corp.

SOURCE: U.S., 5 pp.

CODEN: USXXAM

DOCUMENT TYPE: Patent

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LANGUAGE: English  
FAMILY ACC. NUM. COUNT: 1  
PATENT INFORMATION:

PATENT NO.	KIND	DATE	APPLICATION NO.	DATE
US 3385871	A	19680528	US 1965-514136	19651215
PRIORITY APPLN. INFO.:			US 1965-514136	19651215

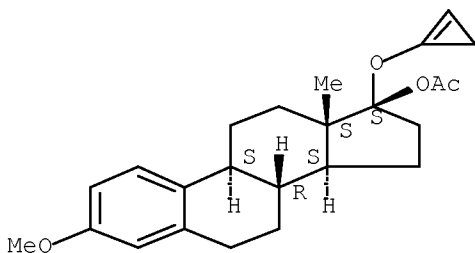
IT 20086-27-5P 20086-28-6P

RL: SPN (Synthetic preparation); PREP (Preparation)  
(preparation of)

RN 20086-27-5 ZCAPLUS

CN Estra-1,3,5(10)-trien-17 $\beta$ -ol, 17-(1-cyclopropen-1-yloxy)-3-methoxy-,  
acetate (8CI) (CA INDEX NAME)

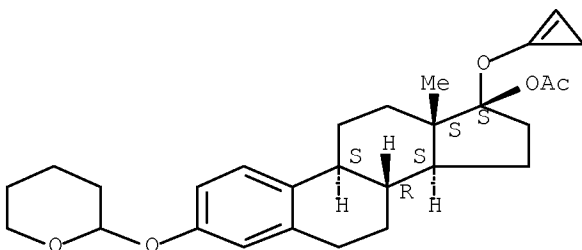
Absolute stereochemistry.



RN 20086-28-6 ZCAPLUS

CN Estra-1,3,5(10)-trien-17 $\beta$ -ol,  
17-(1-cyclopropen-1-yloxy)-3-[(tetrahydro-2H-pyran-2-yl)oxy]-, acetate  
(8CI) (CA INDEX NAME)

Absolute stereochemistry.



These compounds are anticipated when in present claims R1 represents (L)<sub>n</sub>-Z, when n = 1, L represents D2 and is the 1st structure in the definition of D2 where X and Y are -(L)<sub>m</sub>-Z, m is 0, and Z represents G which is substituted, polycyclic ring.

## Response to Remarks

Applicant's response filed on 07/19/10 is hereby acknowledged. All the previous rejections are withdrawn as was decided in appeal conference. New rejections are enclosed. Double patenting rejections over KOSTANSEK (US Patent 6,548,448) and LAMOLA (US Patent 6,770,600) were withdrawn earlier because terminal disclaimers were filed and approved

### Allowable Subject Matter

Elected species is allowed. Prior art of record does not teach nor suggest this compound.

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In order to expedite the prosecution Applicant may consider calling the Examiner to discuss the issues.

### **Communication**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabiha Qazi whose telephone number is (571) 272-0622. The examiner can normally be reached on any business day except Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fetterolf Brandon can be reached on (571) 272-2919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sabiha Qazi/

Primary Examiner, Art Unit 1628